

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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XAVIER D. DAVIS,

Plaintiff,

v.

DAVID J. MAHONEY,

Defendant.

ORDER

Case No. 18-cv-387-wmc

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Plaintiff Xavier D. Davis, an inmate in the custody of the Dane County Jail, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a financial transactions statement in support of his motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$180.08. For this case to proceed, plaintiff must submit this amount on or before June 29, 2018.

ORDER

IT IS ORDERED that,

1. Plaintiff Xavier D. Davis is assessed \$180.08 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to

the clerk of court in the amount of \$180.08 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before June 29, 2018.

2. If, by June 29, 2018, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 6<sup>th</sup> day of June, 2018.

BY THE COURT:

/s/

PETER OPPENEER  
Magistrate Judge